

REMARKS

Status of the Claims

Claims 12, 13, 15-25 and 27 are pending. Claims 22-24 are withdrawn. New claim 28 has been added.

Statement Of The Substance Of The Interview

Applicants would like to thank the Examiner for conducting a personal interview with Applicants' representatives on October 13, 2010. Differences between Hazama and the claimed invention were discussed. The examiner also stated that he would consider rejoinder of claims 22-24.

US 4,194,050 (Hazama)

During the interview, the Office queried whether Hazama would anticipate claim 12. The Office pointed to col. 1, ll. 44-59, of Hazama. For the following reasons, Hazama does not anticipate claim 12.

Claim 12 recites a hydrogenation/isomerization reaction of an oxime in the presence of an Ir or Rh catalyst.

Hazama states that "when oximes are hydrogenated in the presence of a carboxylic anhydride using a platinum [sic] metal catalyst such as platinum, palladium or rhodium, one mole of the oximes absorbs two moles of hydrogen to produce the acylated products of a primary amine (J. Org. Chem. 25, 492, 1302, (1960); ibid 23, 967 (1958); J. Am. Chem. Soc. 70, 1150 (1948))." Col. 1, ll. 44-50. Copies of these four articles are attached hereto. Applicants note, however, that while these articles mention Pt, Pd and Ni catalysts, Applicants did not find any mention of an Rh catalyst.

However, unlike the articles cited in Hazama, the process of claim 12 comprises a hydrogenation/ isomerization reaction that does not entail the production of an intermediate having a primary amine. Indeed, Hazama itself rejects the methods taught in the cited articles: "The inventors have found, however, that, when oximes having at least one hydrogen atom at the α -position are hydrogenated in the presence of a carboxylic anhydride using a ruthenium catalyst, the absorption of hydrogen stops, unlike the case of the platinum metal catalyst, at that

time when one mole of hydrogen has just been absorbed, and enamides are selectively produced in a high yield as the result of the transfer of the double bond caused by the rearrangement of the α -hydrogen atom.” Col. 1, ll. 50-59. The methods described and claimed in Hazama are therefore directly solely to the use of a ruthenium catalyst, and teach away from the use of platinum, palladium or rhodium.

Thus, neither Hazama nor the articles cited in the background of Hazama neither anticipate nor render obvious the claimed hydrogenation/isomerization reaction of an oxime in the presence of an Ir or Rh catalyst.

All of the ene-amides recited in independent claim 22 fall within the scope of Formula I of claim 12. Rejoinder of claims 22-24 is therefore respectfully requested.

Applicants earnestly request entry of this Supplemental Response. Should the Examiner have any questions that would facilitate further prosecution or allowance of this application, the Examiner is invited to contact the Applicant’s representative designated below.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: October 29, 2010

By /W. David Wallace/
W. David Wallace
Reg. No. 42,210

P.O. Box 2903
Minneapolis, Minnesota 55402-0903
Telephone No. (612) 336-4727
Facsimile No. (612) 332-9081

